

APPEAL NO. 032072
FILED SEPTEMBER 22, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 17, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable cervical spine injury on _____, and had disability from March 6 through April 15, 2003 (all dates are 2003 unless otherwise noted).

The appellant (carrier) appeals, contending that the claimant failed to carry his burden of proof. The file does not have a response from the claimant.

DECISION

Affirmed.

The claimant, a mechanic/maintenance man, testified how he was attempting to place a heavy wheel on a shaft on March 1. The claimant concedes that he did not have immediate pain or symptoms. The initial pain and numbness, which began on March 3, got progressively worse and the claimant saw his family doctor on March 5. An MRI performed on March 6 showed "a disc extrusion of mild to modest size on the left at C6-C7." The claimant was referred to a neurosurgeon, who stated that the claimant's "new disc herniation correlates with [the described] specific strenuous event at work." The hearing officer's discussion summarizes the evidence in some detail.

The carrier's appeal cites extensively from the record transcript emphasizing the lack of immediate onset of symptoms and that the claimant initially did not associate his pain with the work event involving the wheel. The carrier's argument on appeal is similar to the argument made at the CCH and involves conflicting evidence and the interpretation of the evidence.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained his burden of proving that he sustained a compensable injury and had disability as defined in Section 401.011(16). Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CT CORP
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Edward Vilano
Appeals Judge